DOCUMENT RESUME

ED 176 741 IR 007 685

TITLE Handbook for Public Library Boards of Trustees.
INSTITUTION Tennessee State Library and Archives, Nashville.
PUB DATE 73
NOTE 46p.

EDRS PRICE MF[illegible] PC02 Plus Postage.
DESCRIPTORS *Governing Boards; Laws; Library Associations; Library Services; Policy; Professional Personnel; *Public Libraries; Regional Programs; Responsibility; *Trustees
IDENTIFIERS *Tennessee

ABSTRACT

This handbook for Tennessee library boards of trustees has five major sections: (1) public library laws of Tennessee; (2) public library services in Tennessee, including those of the Tennessee State Library and Archives and the Tennessee regional library system; (3) the library board of trustees; (4) library staff; and (5) library services. Also provided are sample by-laws, policies of the library board, the American Library Association Library Bill of Rights, and a Freedom to Read statement. (JD)

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HANDBOOK

FOR

PUBLIC LIBRARY BOARDS OF TRUSTEES

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TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Public Libraries Section
Tennessee State Library and Archives
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TABLE OF CONTENTS

		Page
I.	Public Library Laws of Tennessee	
	A. State Library System	1
	B. Regional Library Boards	4
	C. County and City Libraries	6
II.	Public Library Service in Tennessee Table of Organization	12
	A. Tennessee State Library and Archives	13
	1. State Library Section	14
	2. Archives, Manuscripts and Public Records Section	15
	3. Restoration and Reproduction Section	15
	4. Public Libraries Section	15
	5. Tennessee Regional Library for the Blind and Physically Handicapped	16
	B. Tennessee Regional Library System	19
	1. Regional Library Board	19
	2. Regional Library Center	20
	3. Regional Director	20
	4. Bookmobile Service	21
	5. Requirements for counties to participate in the Regional Program	23
III.	The Library Board of Trustees	
	A. The Library Trustee	24
	B. Duties and Responsibilities of the Library Board of Trustees	25
	C. Golden Rules for Board Members	28
	D. Trustee Education	29
	E. Library Associations	30
	F. Standards for Public Libraries	31
	G. Friends of the Library Organization	31
IV.	Library Staff	32
V.	Library Services	
	A. Local Libraries	35
	B. Area Resource Centers	36
	C. Interlibrary Cooperation	36
VI.	Sample By-laws	37
VII.	Policies of the Library Board	39
VIII.	Library Bill of Rights	40
IX.	Freedom to Read Statement	41

PUBLIC LIBRARY LAWS OF TENNESSEE

Compiled from
Tennessee Code Annotated

Issued by
Public Libraries Division
Tennessee State Library and Archives
Nashville, Tennessee 37219
1966

CONTENTS

Page

A. STATE LIBRARY SYSTEM

Section 10-101 State library and archives commission created—Membership—Appointment—Term.. 1
10-102 Organization of commission—Secretary—Rules and bylaws—Meetings 1
10-103 State library system, of what it consists 1
10-104 Functions of commission 1
10-105 Administration of system—Custody of property—Circulation of books..... 2
10-106 Development of program—Budget 2
10-107 Employment of necessary personnel..... 2
10-108 State librarian and archivist—Appointment—Duties and powers 2
10-109 Special consultants—Employment—Duties 2
10-110 Cooperation with other agencies 2
10-111 Administering funds and materials..... 2
10-112 Records of soldiers and sailors serving in World War I—Preservation..... 2
10-113 Federal funds for library programs..... 2

B. REGIONAL LIBRARY BOARDS

Section 10-601 Creation of board—Contracts between counties and municipalities..... 4
10-602 Election of members—Term of office..... 4
10-603 Authority of regional board to execute contracts..... 4
10-604 Expenditure of funds—Reports 4
10-605 Employment of personnel 4
10-606 Donations and bequests—Real estate leases..... 4
10-607 Boards not mandatory 5

C. COUNTY AND CITY LIBRARIES

Section 10-301 Establishment, maintenance and joint operation..... 6
10-302 Taxes—Levy 6
10-303 Library board—Appointment—Terms 6
10-304 Powers and duties of library board..... 6
10-305 Borrowing money to acquire library building and equipment..... 6
10-306 Tax funds held by county or city treasurer—Disbursement—Audit of accounts..... 6
10-307 Libraries free to inhabitants—Extension of privileges to nonresidents..... 7
10-308 Penalties for loss of or injury to library property..... 7
10-309 Recreational facilities—County library board in counties of less than 3500 population 7
10-310 Title to property acquired—Use of proceeds from activities..... 7
10-311 Financial report of operations 7

D. LIBRARIANS—EXAMINATION AND CERTIFICATION

Section 10-201 Librarian certificates issued by board of education..... 8
10-202 Standards, rules and practices for issuance adopted by board of education..... 8
10-203 Advisory committee of librarians—Personnel..... 8
10-204 Librarians in public libraries certified by board of education..... 8
10-205 Librarians—Certificates required for appointment 8
10-206 Professional librarians—Certifications provided..... 8
10-207 Certificates from other states—Treatment 8
10-208 Application for certificates—Form—Fee 8

E. SALES TAX EXEMPTIONS

Section 67-3012 Miscellaneous property exempt 9
67-3014 Exemption of religious, educational, and charitable institutions..... 9

F. COOPERATIVE AGREEMENTS

Section 5-113 Cooperative agreements with municipalities..... 10
5-114 Cooperative agreements between contiguous counties..... 10

G. PUBLIC CONTRACTS

Section 12-401 Personal interest of officers prohibited..... 11

A. STATE LIBRARY SYSTEM

(Tennessee Code Annotated, Title 10, Sections 101-113)

10-101. *Division of public libraries and archives.*—A division of public libraries and archives is created in the state department of education. The authority, powers, and duties formerly vested by law in the state library and archives commission are vested in the department of education and the commissioner of said department to be administered through the division of public libraries and archives. The division of public libraries and archives shall have transferred and attached to it:

1. The office of state historian.

2. The Tennessee historical commission for purposes of administration.

3. All historical and memorial commissions and associations created by act of the general assembly and expending public funds, for purposes of administration. (Acts 1959, ch. 9, sec. 12.)

10-102. *State library and archives commission created—Membership—Appointment—Term.*—There is hereby created a commission of seven (7) members to be known as the state library and archives commission of Tennessee, with the members of said commission to be appointed by the governor. The term of each member shall be six (6) years except as to the initial appointees. Two (2) commissioners having been appointed for terms to expire June 30, 1953, two (2) having been appointed for terms to expire June 30, 1955, and three (3) having been appointed for terms to expire June 30, 1957. All subsequent appointments shall be for six (6) year terms expiring on June 30 of the appropriate year in each instance. Any vacancy shall be filled by the governor but only for the unexpired term. All members of said library commission shall serve without compensation, but they may be allotted and paid necessary travel and hotel expenses while engaged in the work of the commission, when such bills are certified to the proper fiscal officers for payment. The membership of the commission shall include at least two (2) persons from each grand division of the state.

The commission hereby created shall meet and organize and elect a chairman and a vice-chairman from among its membership whose terms shall be for one (1) year, but they shall be eligible for reelection for succeeding term or terms. The state librarian and archivist shall serve as secretary to the commission. The commission shall adopt rules for the transaction of business and shall keep a record of all its proceedings, which record shall be open to the public as any other public record. It shall also adopt bylaws governing the conduct of its business, fix a number which shall constitute a quorum, provide for the calling of special meetings and otherwise establish orderly procedure for the conduct of its affairs. The commission shall prepare such reports, statements and evidences of its operation as may be required by the governor or the general assembly for submission to them at such time as they may require the same.

The commission shall meet quarterly at Nashville, Tennessee, unless it shall itself adopt the contrary rule or bylaw, but in any event it shall meet at least once each year.

The state library and archives commission shall function as an advisory body to the commissioner of education who shall, in general, undertake to carry out the policies and programs of said commission affecting the state libraries and archives. (Acts 1951, ch. 197, sec. 1, 2 (Williams, sec. 2278.1, 2278.2); Acts 1959, ch. 9, sec. 12.)

10-103. *State library system, of what it consists.*—The state library system shall consist of the existing state library, archives, and library extension properties and services and such other properties and services as may from time to time be assigned to the commission, excluding the law library of the state, which functions under the direction of the Supreme Court. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.3).)

10-104. *Functions of commission.*—The functions of the state library and archives commission shall include specifically the following:

1. The collection and preservation of archival material and materials of historical, documentary and reference value, and such literary works or printed matter as may be considered by the commission of special interest to the citizenship of Tennessee.

2. The distribution and exchange of such publications of the state as may become available from time to time.

3. The collection and distribution of reference material to state officials and employees and such public agencies as may be entitled thereto.

4. The encouragement of library development throughout the state by means of advice, guidance, and library extension services, in the course of which the commission is empowered to enter into local, regional or interstate contracts with competent agencies in the furtherance of library services.

5. Such other functions as may be designated and authorized from time to time or as may properly belong to the administration of an up-to-date library and archives for the state.

The enumeration of the specific items above shall not be deemed to exclude any other activities that the commission may think proper to be handled by it and by the state librarian and archivist. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.4).)

10-105. *Administration of system — Custody of property — Circulation of books.* — The library and archives commission shall be responsible for the proper administration of this chapter and shall establish policies to govern the administration of the state library system. It shall have custody of and be responsible for the properties of the state library system, including such properties as may be assigned to it in the future. It shall establish such policies, rules, and regulations as may be deemed by it necessary to govern the use of such properties and the use and disposition of materials under its jurisdiction, including the circulation of books from the library. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.5).)

10-106. *Development of program—Budget.*—The commission shall develop a state library program calculated to meet the needs of the state and the requirements of its citizens for such services. It shall prepare and submit a budget consistent with its program and shall operate the state library system within the financial resources available. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.5).)

10-107. *Employment of necessary personnel.*—In order effectively to carry on its program, the commissioner shall have authority to create such positions and make such employments as are deemed necessary to conduct the affairs of the library program and to expend funds for the special training and formal education of library personnel, provided such personnel shall agree to work in the state library system for at least two (2) years after the completion of said training and education. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.5); impl. am. Acts 1959, ch. 9, sec. 12; Acts 1965, ch. 223, sec. 1.)

10-108. *State librarian and archivist — Appointment—Duties and powers.*—The commission shall have authority to appoint a state librarian and archivist to serve at the will of the commission for an indefinite term, who shall be subject to removal for cause by a two-thirds (2/3) vote of the entire commission. The person appointed as librarian and archivist shall be appointed without regard to political affiliation or place of previous residence. He shall serve as chief administrative officer of the state library system and shall be responsible to the commission, shall attend all of its meetings, shall have a voice but no vote in the proceedings. He shall have the power to make appointments to all subordinate positions which may be created by the commission and may dismiss or remove subordinate employees when he may deem that action for the best interests of the service, but only subject to approval of a majority of the commission. His personnel actions, however, shall conform with existing applicable civil service or other standardized state personnel procedures and regulations. He shall be responsible for the proper execution of policies as defined by the commission, shall carry out the commission's rules and regulations and shall submit such reports, estimates, documents, statements or other evidences pertaining to the operation of the library system as the commission or governor may require. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278 6).)

10-109. *Special consultants—Employment—Duties.* —Subject to the direction and approval of the state library commission and within the limitation of funds available, the state librarian and archivist may engage the services of special consultants who are qualified in particular fields of library or archival administration, may make special investigations, studies and reports looking to the proper development of methods and procedures by means of which the state library service may be strengthened, extended, or made more efficient. The services of such consultants shall be rendered under a formal contract, stipulating, in so far as practicable, the services to be furnished, the cost thereof and the time within which such work shall be completed. Such contracts shall be approved in advance by the state library and archives commission. (Acts 1951, ch. 197, sec. 2 (Williams, sec. 2278.6).)

10-110. *Cooperation with other agencies.* — The state library and archives commission shall have authority to call upon other state agencies for information, publications and related materials needed to discharge its duties and may confer and cooperate with other agencies, whether federal, state or local, in order more effectively to carry out its program, it being the legislative intent that this chapter shall be broadly construed and applied in the interest of making the state library function to the best advantage of the citizenship of the state. (Acts 1951, ch. 197, sec. 3 (Williams, sec. 2278.7).)

10-111. *Administering funds and materials.*—The commission is authorized to accept and administer funds or materials made available for library, archival, and historical purposes from public or private sources either by grant, bequest, donation or otherwise, and this may include any available grants from the federal government or cooperation with the federal government in the advancement of library activities when agreements to that effect are approved by the commission. (Acts 1951, ch. 197, sec. 4 (Williams, sec. 2278.8).)

10-112. *Records of soldiers and sailors serving in World War I—Preservation.*—The compilation of the records of the soldiers and sailors who served in World War I by enlistment from the state of Tennessee, compiled by Mrs. Rutledge Smith of Nashville, and a committee working under her supervision, consisting of separate volumes for each county, are declared to be public records of the state, and shall be carefully preserved by the state librarian and archivist as a part of the official records of this state, and copies thereof, duly certified by the state librarian and archivist, shall be receivable in evidence in all courts of competent jurisdiction in this state as to the truth of the facts therein recited. (Acts 1937, ch. 301, secs. 1, 3; mod. C. Supp. 1950, sec. 2287.1 (Williams, secs. 2287.1, 2287.3); impl. am. Acts 1951, ch. 197, sec. 2.)

10-113. *Federal funds for library programs.*—The state librarian and archivist, acting with the approval of the commissioner of education, is authorized and empowered to make agreements with the United States and its agencies in regard to the administration of library programs, and to accept federal funds upon such terms and conditions as may be required by act

of congress or rules and regulations issued in accordance with such act; provided, however, state funds shall not be obligated for participation in any federal program unless the same are paid from current appropriations or operating funds. If required, the state treasurer shall give his receipt for such funds, make a special bond for the same, or keep special accounts of such funds. At the end of this or succeeding biennia, such funds shall not become a part of the state's general fund but shall be expended only for such library purposes as may have been agreed upon. (Acts 1967, ch. 84, sec. 1; impl. am. Acts 1969, ch. 9, sec. 12.)

B. REGIONAL LIBRARY BOARDS

(Tennessee Code Annotated, Title 10, Sections 601-607)

10-601. *Agreements to create regional boards—Participation by municipalities.*—Two or more counties, which have qualified for participation in the state's multi-county regional library program and have been recognized as a region by the state library and archives commission, and have made the minimum local appropriation of funds as may now or hereafter be recommended by said commission and approved by the State Commissioner of Education are hereby empowered and authorized to execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each county shall be represented by two members of the regional library board. The contract shall be authorized by a resolution of the quarterly court of the county desiring to participate and the county judge or chairman shall execute the contract as authorized in the resolution, and such contract shall be attested by the county court clerk. After the governing body of a county authorizes participation, municipalities within the county may participate in the regional library service so long as the county participates. Counties and municipalities may appropriate funds for this purpose.

A single county, which is large enough to constitute a region and has been so recognized by the state library and archives commission, may also create a regional library board by executing a contract between the county and one or more cities within the county. There shall be at least seven board members apportioned among county and municipalities according to the ratio of population in each participating municipality and in the county outside the municipalities, based on the most recent federal census. (Acts 1955, ch. 88, sec. 1; 1961, ch. 73, sec. 1.)

10-602. *Members of regional board.*—At least one member shall be elected by the quarterly court of each county in a multi-county region for a term of three years in accordance with the contract between the counties and as provided in Section 10-601 of Tennessee Code Annotated. In accordance with the contract between the counties and as provided in Section 10-601 of Tennessee Code Annotated, the governing body of any municipality which contributes as much as one-fourth of the public funds available for the operation of a joint city-county system may elect one of the two members representing that county for a term of three years. If more than one municipality is entitled to elect a member, these municipalities shall alternate in electing one member for a three year term.

A member shall represent and reside in the county or municipality from which he was elected. In the event that a member removes his residence from the county or municipality from which he was elected, he shall thereby vacate his office. In the event of any vacancy in office a successor shall be elected for the unexpired term at the next meeting of the governing body of the county or city in which the vacancy occurred. No member shall be elected for more than two successive terms. Every member of the regional library board who is not an active member of a county library board is hereby designated an ex-officio member of such county board. A member of the regional library board may be an active member of a county library board. (Acts 1955, ch. 88, sec. 2; 1961, ch. 73, sec. 2.)

10-603. *Powers—Execution of contracts.*—The regional library board shall have authority to execute contracts with the state library and archives commission, with the county library boards of the respective counties, with the municipal library boards, and any and all other agencies, for the purpose of administering a public library service within the region, and including contracts concerning funds and their expenditures as may be allocated by virtue of such contracts, to the same extent as any one of the counties which are parties to the agreement would be so authorized. (Acts 1955, ch. 88, sec. 3.)

10-604. *County and city appropriations—Reports by regional board.*—The quarterly courts and municipal governing bodies of counties and cities entering such contracts are hereby authorized to appropriate to the regional library board such funds as may be deemed necessary to supplement the funds received by that board through contract with the state library and archives commission. However, such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall make a detailed report of receipts and disbursements of all funds at the first regular meeting of the quarterly court of every participating county and the governing body of every participating city after the close of the state's fiscal year. It shall make a similar report to the state library and archives commission. The treasurer of the board shall be bonded for an amount to be determined by the state library and archives commission. Bond premiums may be paid from state funds. (Acts 1955, ch. 88, sec. 4.)

10-605. *Personnel—Salaries—Expenditures.*—The board may employ such personnel as may be necessary provided that all persons regularly employed and salaries paid to such persons shall be in accordance with the terms of the contract between the board and the state library and archives commission. In no event shall the expenditure of funds for this or any other purpose exceed the allotments from the state library and archives commission, appropriations to the board by the county courts or municipal governing bodies for the fiscal year, income, and/or gifts on hand. (Acts 1955, ch. 88, sec. 5.)

10-606. *Donations—Lease of realty—Discretion-*

ance.—The board is authorized to accept donations and bequests. It may lease such real estate as may be necessary for library purposes subject to the contracts between the state library and archives commission and the library boards of the participating counties. Every lease for more than one year shall contain a clause that its continuance shall be subject to necessary allotments from the state library and archives commission and the availability of other funds. In the event that the regional board is discontinued, the property administered by the board shall revert to the state library and archives commission and/or the several county or municipal library boards in accordance with the contracts between the regional board, the state library and archives commission, and the county and municipal library boards. (Acts 1955, ch. 98, sec. 6.)

10-607. *Boards not mandatory.*—The formation and creation of such boards shall in no wise be considered or construed in any manner as mandatory upon any county by virtue of this chapter. (Acts 1955, ch. 98, sec. 7.)

C. COUNTY AND CITY LIBRARIES

(Tennessee Code Annotated, Title 10, Sections 301-311)

10-301. *Establishment, maintenance and joint operation.*—The county court of any county and or the governing body of any incorporated city or town shall have the power to establish and maintain a free public library, or give support to any free public library already established therein, or contract with another library for library service for the use of the inhabitants of such county, city or town, or enter into contractual agreements with one or more counties or cities for joint operation of a free public library. (Acts 1965, ch. 370, sec. 1.)

10-302. *Taxes—Levy.*—Upon the decision of such county court and or city governing body to establish, maintain or support a free public library, or to contract with another library for library service, or to contract with one or more counties or cities for joint operation of a free public library, it shall levy for the purpose a property tax, or shall use therefor funds raised by taxes for county or municipal purposes, such a library or service being declared to be a county or municipal service.

If a portion of a county is already taxed for maintenance of a free public library, the county court is empowered to levy a tax for a free library on all the property in the county, or the county court may levy a tax on only the property of such portion of the county as is not already taxed for maintenance of a free public library. If a general county-wide tax levy is made for this purpose, the county trustee shall keep the funds raised thereby separate and apart from all other tax funds coming into his or her hands and shall make quarterly distribution of the same between the county library board and the governing body of the free public library of the city or cities within the limits of the county on the basis of the population enumerated by the most recent federal census. Subject to the last preceding sentence, funds raised under sec. 10-301—10-309 may be contributed toward the maintenance of any free public library maintained by a municipality in such county as provided in sec. 10-301. (Acts 1965, ch. 370, sec. 2.)

10-303. *Library board—Appointment—Terms.*—Where a county court and/or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties and/or cities for joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of seven (7) members. Not more than one (1) official each of the county and of the city governing bodies shall serve on this board. Said members shall serve without salary, three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years, and their successors for a term of three (3) years. Not more than five (5) of said members shall be of the same sex.

Where a county court or city governing body elects to participate in joint operation of a public library maintained by the county and one (1) or more cities within the county, the library board responsible for administering such joint library shall be appointed by one (1) of the following methods: (1) A library board of seven (7) members may be appointed by the county court and city governing bodies which are parties to the agreement, the number appointed by the county court and city governing bodies which are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in the county outside the city or cities, based on the most recent federal census, provided that each shall appoint at least one (1) member. Terms of office, qualifications of members, powers and duties of the board shall be in accordance with the provisions of sec. 10-301—10-309. (2) A library board may be appointed in accordance with a contract as provided in sec. 5-113. (Acts 1965, ch. 370, sec. 3.)

10-304. *Powers and duties of library board.*—The members of the library board shall organize by electing officers and adopting by-laws and regulations. The board shall have the power to direct all the affairs of the library, including appointment of a librarian who shall direct the internal affairs of the library, and such assistants or employees as may be necessary. It may make and enforce rules and regulations and establish branches of travel service as its discretion. It may expend funds for the special training and formal education of library personnel, provided such personnel shall agree to work in the library for at least two (2) years after completion of said training and education. It may receive donations, devises and bequests to be used by it directly for library purposes. It may hold and convey realty and personal property and negotiate leases for and on behalf of such library. The library board shall furnish to the state library agency such statistics and information as may be required, and shall make annual reports to the county court and or city governing body. (Acts 1965, ch. 370, sec. 4.)

10-305. *Borrowing money to acquire library buildings and equipment.*—A county court and or city governing body shall have power to borrow money for the purchase of realty and the erection or purchase of suitable buildings for the library and its branches and for their equipment. The title to such property may be vested in trust in said library board and their successors, who shall be responsible for expending as below such bond proceeds. (Acts 1965, ch. 370, sec. 5.)

10-306. *Tax funds held by county or city trustee—Disbursement—Audit of accounts.*—All county and or city tax funds for library purposes, raised by

funds or taxation, shall be held by the county or city treasurer separate from other funds. Such funds may be disbursed when drawn upon by vouchers or orders authenticated by two (2) officers of the library board. All library accounts of every character shall be audited annually by or under the county court and or city governing body. (Acts 1965, ch. 370, sec. 6.)

10-307. *Libraries free to inhabitants—Extension of privileges to nonresidents.*—Libraries so established or supported shall be free to the inhabitants. The board may extend the privileges and facilities of the library to persons residing outside the county or city upon such terms as it may deem proper. (Acts 1965, ch. 370, sec. 7.)

10-308. *Penalties for loss of or injury to library property.*—The library board shall have power to make and enforce rules providing penalties for loss of or injury to library property. (Acts 1965, ch. 370, sec. 8.)

10-309. *Recreational facilities—County library board in counties of less than 5,500 population.*—A county library board, appointed and functioning in accordance with the provisions of sec. 10-301—10-308, in all counties of Tennessee having a population of less than 5,500 according to the federal census of 1960 or any subsequent federal census, shall have, in addition to all other authority given to it, the authority to conduct such recreational facilities, in connection with the public library, as it deems necessary and beneficial, either with or without charge to patrons thereof, provided that any net proceeds from such recreational facilities be used solely for the capital improvement and operational expenses of the library and recreational facilities. (Acts 1961, ch. 225, sec. 1.)

10-310. *Title to property acquired—Use of proceeds from activities.*—The title to all property acquired by a library board operating hereunder shall be taken in the name of the county for the use and benefit of the public library and the proceeds from all activities conducted by the library board or from any disposition of its assets shall be taken in the name of the county for the use and benefit of the public library. (Acts 1961, ch. 225, sec. 2.)

10-311. *Financial report of operations.*—Each library board shall furnish a report to the quarterly county court of the county, at its first meeting of each fiscal year, setting forth its capital and operational receipts and expenditures for the preceding year. (Acts 1961, ch. 225, sec. 3.)

D. LIBRARIANS — Examination and Certification

(Tennessee Code Annotated, Title 10, Sections 201-208)

10-201. *Librarian certificates issued by board of education.*—The state board of education is authorized to issue certificates to librarians. (Acts 1937, ch. 239, sec. 1; C. Supp. 1950, sec. 2305.1.)

10-202. *Standards, rules and practices for issuance adopted by board of education.* — The state board of education shall set up standards and shall adopt rules and practices by which these librarians' certificates are to be issued and in doing so shall take into account the recommendations of the advisory committee of librarians herein provided. (Acts 1937, ch. 239, sec. 2; C. Supp. 1950, sec. 2305.2.)

10-203. *Advisory committee of librarians — Personnel.*—The advisory committee of librarians referred to in sec. 10-202 shall consist of the librarian of the University of Tennessee who shall be chairman of the said committee, a representative from the state department of education, the president of the Tennessee Library Association or one (1) appointed by the president, and two (2) librarians, representing respectively the public and school library fields, to be selected from a list of three (3) names for each position submitted by the Tennessee Library Association and appointed by the commissioner of education for a period of four (4) years, or until their successors are appointed, their terms to expire in rotation. (Acts 1937, ch. 239, sec. 3; C. Supp. 1950, sec. 2305.3.)

10-204. *Librarians in public libraries certified by board of education.*—The said state board of education shall pass upon the qualifications of persons applying for the position of librarian or professional library assistant in any library supported wholly or in part from public funds or in any state-supported library agency. (Acts 1937, ch. 239, sec. 4; C. Supp. 1950, sec. 2305.4.)

10-205. *Librarians—Certificates required for appointment.* — The governing boards of the libraries designated in sec. 10-204 shall be required to appoint to all vacant and new professional library positions falling under their respective jurisdictions only persons who prior to installation hold proper certificates as prescribed by the state board of education. (Acts 1937, ch. 239, sec. 5; C. Supp. 1950, sec. 2305.5.)

10-206. *Professional librarians — Certifications provided.*—The said state board of education shall provide for the certification of the following groups:

1. All professional librarians and professional library assistants who are serving in libraries subject to this chapter.

2. Professional librarians and professional library assistants who are serving in libraries not designated above in sec. 10-204, including librarians in other than publicly supported libraries. (Acts 1937, ch. 239, sec. 6; C. Supp. 1950, sec. 2305.6.)

10-207. *Certificates from other states — Treatment.*—The said state board of education may evaluate certificates issued by the proper authorities of other states requiring the certification of librarians and may accept such certificates in lieu of corresponding certificates in this state, or may issue or cause to be issued certificates in this state, to such persons holding such certificates from other states. (Acts 1937, ch. 239, sec. 7; C. Supp. 1950, sec. 2305.7.)

10-208. *Application for certificates—Form—Fee.* —The applications for library certificates under the provisions of this chapter shall be made to the commissioner of education in such manner and form as the state board of education may specify. The fee specified by the state board of education shall accompany each application and shall be deposited with the state treasurer to the credit of the state department of education. (Acts 1937, ch. 239, sec. 8; C. Supp. 1950, sec. 2305.8.)

E. SALES TAX EXEMPTIONS

(Tennessee Code Annotated, Title 67, Sections 3012, 3014)

67-3012. *Miscellaneous property exempt.* — The sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of the following tangible personal property is specifically exempted from the tax imposed by this chapter:

. . . . . There shall also be exempted all sales made to the state of Tennessee or any county or municipality within the state. (Acts 1947, ch. 3, sec. 6; 1949, ch. 245, sec. 2; C. Supp. 1950, sec. 1248.61 (Williams, sec. 1328.27).)

67-3014. *Exemption of religious, educational and charitable institutions.*—There is exempted from the provisions of this chapter any sales or use tax upon tangible personal property sold to churches or church supported universities, colleges, schools, orphanages, homes for the aged, hospitals, or other such charitable institutions which are operated exclusively as educational, religious, or charitable institutions, and where no pecuniary profit can or does result to any shareholder or individual.

There is exempted from the provisions of this chapter any sales or use tax upon tangible personal property sold to nonprofit universities, colleges, schools, orphanages, homes for the aged, hospitals or such other educational or charitable institutions which are operated solely for educational or charitable purposes and where no pecuniary profit can or does result to any shareholder or individual.

The exemption granted to churches, schools and charitable institutions in the preceding paragraphs shall only apply to sales made directly to the church, school or charitable institution. There shall be no exemption upon sales to independent contractors with such organizations, or social organizations, lodges, fraternal organizations, or any other type of nonprofit organization, except the religious, educational, and charitable institutions heretofore specifically exempted.

No dealer shall sell and no user shall use any tangible personal property under the claim that the same is exempt from the sales or use tax levied by this chapter, where the exemption from taxation is claimed because the vendee or user is an educational, religious or charitable institution or organization and is entitled to an exemption as such institution or organization under the first three (3) paragraphs of this section, unless the vendee or user shall have issued to it by the commissioner an exemption certificate declaring that such institution or organization is entitled to the exemption provided for by said paragraphs.

The commissioner is authorized to make final determination after hearing, if demanded, as to whether any institution or organization is entitled to the benefit of the exemption established by said three (3) paragraphs.

The commissioner is authorized to issue exemption certificates to institutions and organizations which, in his judgment, are entitled thereto. (Acts 1949, ch. 110, sec. 1; 1949, ch. 237, sec. 1; C. Supp. 1950, sec. 1248.61 (Williams, sec. 1328.27).)

14

F. COOPERATIVE AGREEMENTS

(Tennessee Code Annotated, Title 5, Sections 113-114)

5-113. *Cooperative agreements with municipalities.*—The quarterly county court of any county and the chief legislative body of any municipality that lies within the boundaries of said county are authorized and empowered to enter into any such agreements, compacts, or contractual relations as may be desirable or necessary for the purpose of permitting said county and said municipality to conduct, operate, or maintain, either jointly or by one (1) agency for the other, desirable and necessary services or functions, under such terms as may be agreed upon by the two (2) agencies. (Acts 1939, ch. 222, sec. 1; C. Supp. 1950, sec. 10268.13 (Williams, sec. 10268.14).)

5-114. *Cooperative agreements between contiguous counties.*—The quarterly county courts of any two (2) or more contiguous counties are empowered to enter into such agreements, contractual arrangements or compacts as they may deem necessary and desirable, in order to provide for the joint conducting or financing of any of the functions or services rendered by or through the county government. Any quarterly county court is empowered to enter into such agreements, contractual arrangements or compacts, as may be deemed necessary or desirable for said county to have any one or more of its services or functions performed by and through the offices and officials of another county court, and any quarterly county court is authorized to enter into such agreements, contractual arrangements or compacts as may be deemed desirable or necessary to permit the offices and officials of such court to perform the said services or functions for another county or counties. Said services or functions shall be performed and provided for in accordance with the terms and conditions as agreed upon between the respective quarterly county courts. (Acts 1939, ch. 223, sec. 1; C. Supp. 1950, sec. 10268.14 (Williams, sec. 10268.16).)

G. PUBLIC CONTRACTS

(Tennessee Code Annotated, Title 12, Section 401)

12-401. *Personal interest of officers prohibited.*— It shall not be lawful for any officer, committeeman, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend, any work or any contract in which any municipal corporation, county, or the state, shall or may be interested to be directly or indirectly interested in any such contract. (Acts 1869-1870, ch. 92, sec. 1; Shan., sec. 1133; Code 1932, sec. 1874.)

16

PUBLIC LIBRARY SERVICE IN TENNESSEE

Tennessee State Library and Archives: Creation of the original Tennessee State Library is inextricably bound to the building of the State Capitol, which had its beginnings during the legislative session of 1843-1844. William Strickland, who was selected as architect, submitted his plans for Tennessee's proposed new Capitol in 1845 and included space for a state library, even though legislative creation of a library was still nine years in the future.

At the time the library was being constructed, the collection of books belonging to the state consisted of volumes of other state laws acquired by exchange, donations of federal documents, and copies of state publications, all in the care of the Secretary of State. As the building of the Tennessee State Capitol reached completion in 1854, the legislature made its first appropriation for the new State Library. By the turn of the century, the library holdings had grown to about 37,000 volumes.

The year 1903 marked an important turning point in the history of the State Library. In that year the librarian was chosen by a newly established Library Commission, which had been set up under provisions of a law passed by the General Assembly of 1901.

The new librarian, Miss Mary Skeffington, held office from 1903 to 1919. Progress was particularly significant in expansion of the Tennesseana collection. Miss Skeffington also visualized the essence of Tennessee's progressive and much envied Regional Library Service of today. In 1910, she sent out the state's first Traveling Library "to extend library privileges to all."

The Reorganization Act of 1923 placed the State Library and Archives under the jurisdiction of the State Department of Education.

During the 1920's, the State Librarian and Archivist built up what is generally recognized as one of the more extensive and valuable historical reference collections in the South. As the holdings of the State Library and the Archives increased, the capacity of the library quarters in the Capitol was taxed far beyond the point of safety and efficient operation. In 1947, the General Assembly authorized the erection of a new Tennessee State Library and Archives Building. Completed in 1953, it is on Capitol Hill across Seventh Avenue, North, from the State Capitol.

The same crowded condition that made a new building necessary had long hidden from view much of the beauty of the first State Library in the Capitol. In 1953, the library was restored to its original condition and reopened to the public.

In 1951, the General Assembly removed the State Library from the Department of Education and placed it under the State Library and Archives Commission. This legislative act combined into one cohesive unit the functions of three previously separate activities: the Tennessee State Library, which had existed since 1854 as a legislative reference library; the official archives of the state government, which date from the admission of Tennessee into the Federal Union in 1796; and the regional public library system. By a subsequent legislative act of 1959, the Library and Archives Commission became an advisory body to the Commissioner of Education and the State Library and Archives an administrative area of the Department of Education. The State Librarian and Archivist serves as chief administrative officer of the State Library system.

The specific functions of the State Library and Archives, as stated in the act of establishment, include (1) the collection and preservation of archival material and materials of historical, documentary and reference value; and such literary works as may be of special interest to the citizenship of Tennessee; (2) the exchange of state publications; (3) the collection and supplying of reference materials to state officials and public agencies; and (4) the encouragement and promotion of library development throughout the state.

State Library Section: The State Library offers a wide variety of services, not only to the state government, but to other libraries and library agencies, and particularly to the general public. The Library is the official depository for Tennessee's printed documents and also contains complete files of many federal series and a large collection of official documents from almost every state in the Union.

During the 118 years of its existence, the State Library has accumulated some 250,000 volumes, with emphasis on history, political science, and law. Its book collection covers every state and every phase of history. In the field of Tennessee history, it stands second to none. Books on Tennessee's three presidents, the wars in which Tennesseans participated, biographies and memoirs of pioneers, politicians and soldiers are well represented. A great many family genealogies, regimental histories, county histories, and transcriptions of Tennessee county records have been specially indexed to permit ready access to available information on Tennessee families.

The microfilm collection is of especial interest, particularly the newspaper project. This collection, when completed, will include every known issue of every newspaper published in Tennessee from 1795 to the present. Microfilm copies of unpublished U. S. Census population schedule, 1800-1870, for twenty states, including Tennessee, and the microfilmed marriage records of Virginia and North Carolina are useful to genealogists.

The Library collection is designed primarily for research and reference use by departments of the state government, scholars, genealogists, lawyers, newspaper writers, authors, and teachers; however, as the public libraries of Tennessee have developed, the State Library has increased its interlibrary loan service.

Archives, Manuscripts and Public Records Sections: This division, with its extensive holdings of official state records, valuable collections of manuscripts, governors' papers, and maps, is the leading center for original research on the history of Tennessee. Among the war records maintained are the service records of Tennessee's Confederate soldiers and a listing of the state's Union soldiers, soldiers of the War of 1812, both Seminole Wars and the Mexican War. All of Tennessee's land grants, including those of North Carolina before Tennessee attained statehood, are on file. Many warrants and certificates of survey, records which preceded the grants, are also available. Over 400 historical maps, relating mostly to Tennessee and its political sub-divisions, are of research value. The Division has been designated as the depository for microfilmed local records of Tennessee counties.

The materials in the Manuscript Section of the Division were received from many individuals and organizations and consist of private papers and all other manuscripts not classified as official papers. Included are letters, diaries, memoirs, wills and deeds, business records, church and cemetery records, school collections, art and music collections, and the papers of public officials.

The Public Records Section is the official repository for all records created by the departments and agencies of the state government, including the many original petitions, memorials, resolutions, and bills considered by each General Assembly from 1796 to date. The Section provides records management services to all agencies of state government, including the operation of a records center with reference service and a records retention scheduling and disposal program.

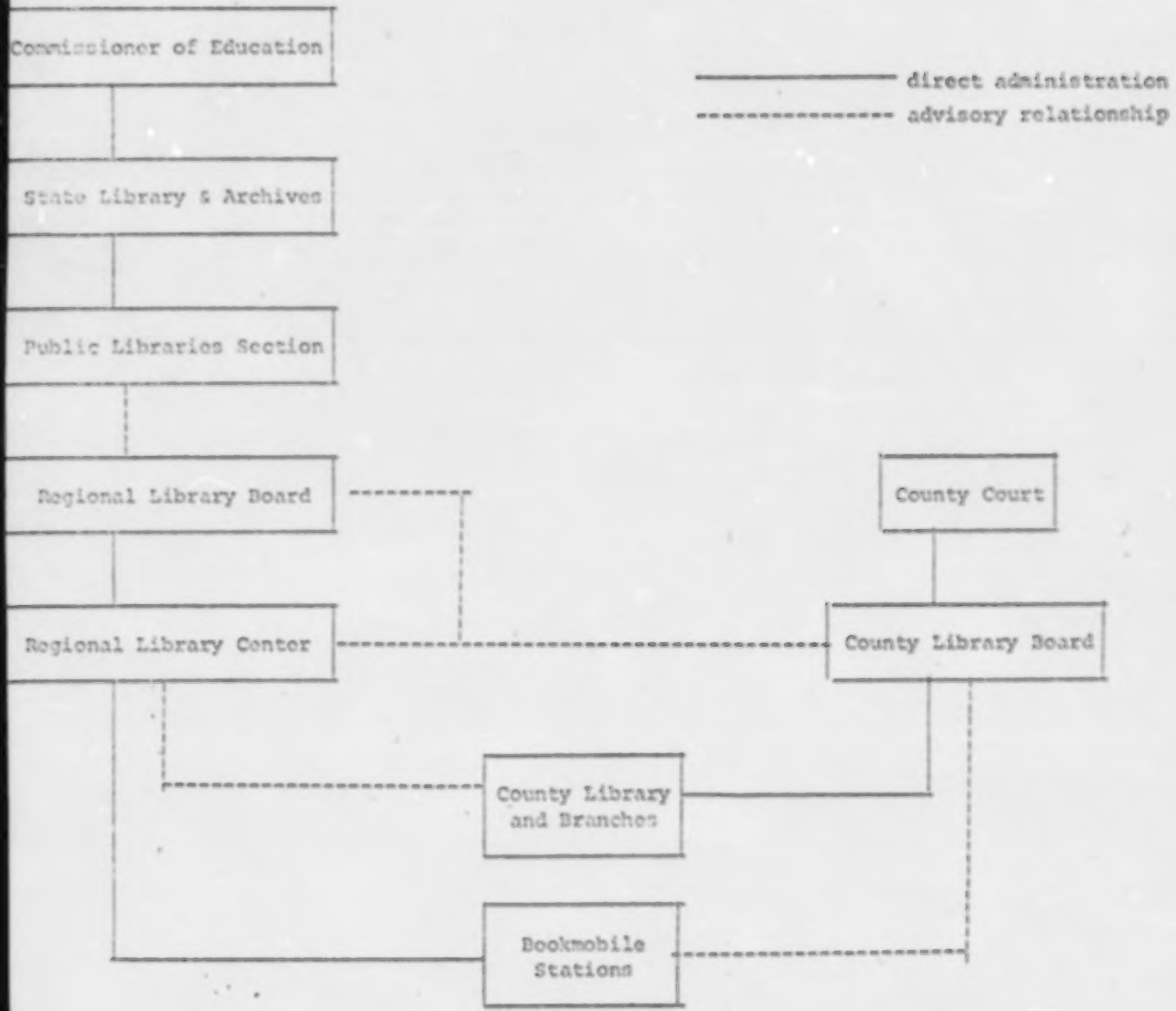
Restoration and Reproduction Section: The Restoration and Reproduction Section has three general functions: restoration, photo-duplication, and printing. The Restoration Laboratory is responsible for the cleaning, repairing, and restoring of manuscripts, documents, books, and similar materials that are the property of, or are deposited with, the State Library and Archives. Materials requiring restoration are cleaned, pressed, chemically de-acidified, laminated in plastic for permanent binding.

Public Libraries Section: The Public Libraries Section is charged with the encouragement of library development throughout the state by means of advice, guidance, and library extension services.

The Section provides coordination of library service in the state, leadership in library development, and administration of library programs of the Tennessee State Plan including the Tennessee Regional Library System, Area Resource Centers, Tennessee Regional Library for the Blind and Physically Handicapped, service to institutions and the disadvantaged, cooperative library projects and the public library construction program.

The Tennessee Regional Library for the Blind and Physically Handicapped was established to develop and maintain a program of library service to the blind and physically handicapped of the state. The physically handicapped are defined as those persons who are unable to hold or read conventional printed materials as a result of physical limitations. Eligibility may be certified by doctors, psychologists, social workers, librarians, educators, or rehabilitation counselors. Examples of impairments which would make a person eligible are: blindness, deafness and blindness, loss of limbs, cerebral palsy, muscular dystrophy, multiple sclerosis, brain damage, dyslexia, acute poliomyelitis. The program provides record players, talking books, braille, tapes and large print books to the physically handicapped of Tennessee free of charge and delivered by mail to the patron. Information on this service is available at public libraries and regional library centers across the state.

TENNESSEE REGIONAL LIBRARY SYSTEM
OPERATIONAL CHART



TENNESSEE REGIONAL LIBRARY SYSTEM

A regional library program, by which the State of Tennessee could assist counties to provide public library service, was authorized by legislative act in 1937, but no funds were appropriated to implement the act. The first step in regional development was taken by the Tennessee Valley Authority in 1940 when it signed a three-way contract with the State Department of Education as sponsor and the Lawson McGhee Library, Knoxville, as administrative agency. Library service was provided in Roane, Rhea, Loudon, and Meigs Counties while Watts Bar Dam was being constructed. As TVA construction moved down the river and to West Tennessee, similar contracts were made for that area. By June, 1943, library service was available to twelve counties in the East Tennessee Region and seven counties in the West Tennessee Region.

On July 1, 1943, the first $20,000 state appropriation for regional library development was made to replace TVA funds which were withdrawn when construction was completed and the contract for library service was terminated.

In 1957, federal funds under the Library Services Act were made available for the purpose of extending public library service to rural areas with inadequate libraries or with no library services. These funds, used primarily to improve services offered by regional library centers and for demonstrations of library service in individual counties, generated an upsurge of interest in better libraries. Two-year demonstrations were conducted in rural counties with all operating expenses being paid with federal funds. At the end of a demonstration, the county was required to appropriate local funds and assume responsibility for its library if service was to be continued. The program which started in 1940 with four counties was developed and expanded until, in 1969, all ninety-five counties were participating.

The ninety-five counties of the state are grouped into twelve multi-county library regions and four metropolitan single-county regions. Ninety-one counties, excluding Davidson, Knox, Hamilton, and Shelby, are divided into regions of six to nine counties with a regional library center strategically located in each. Each regional library system encompasses the entire public library organization in the area served - the regional center; local, county, and city libraries; branches and bookmobile stations.

Regional Library Board:

The regional library program is a cooperative one in which the counties and the State have well-defined responsibilities. The responsibility of the State is the operation of twelve regional library centers, each of which serves a group of counties. The center is administered by a regional library board made up of two representatives from each county in the region. This board receives and expends state funds and establishes policies for the conduct of the regional program under terms of an agreement with the State Library and Archives. As a board, it represents the people of the entire area with each member also representing his own county. Guidance and assistance in planning is provided by the Tennessee State Library and Archives, but the library board has the responsibility for making decisions. This type of organization provides maximum local authority over the library system and assures that the system will be planned and operated by the people in the area it serves.

The regional board is expected to develop policies and programs which will build good public library service throughout the region. It should cooperate with local boards in planning programs which will benefit all counties in the region. The regional board has no authority to direct the activities of local boards and cannot use regional funds to operate local libraries. Operation of the local library is the responsibility of the local library board.

A member of a regional library board may also be a member of a county library board and should be when possible. The Regional Library Board Act states that "Every member of a regional library board who is not an active member of a county library board is hereby designated an ex-officio member of such county board." Regional board members should attend meetings of the county library board in the county they represent in order to establish communication between the two boards.

Regional Library Center:

The regional center coordinates library activities in the region and provides materials and services which local libraries cannot furnish for themselves. These include:

1) Qualified PERSONNEL to assist local library boards and librarians.

2) A large collection of BOOKS available throughout the region.

3) Regular BOOKMOBILE SERVICE to each local library and bookmobile station.

Regional Director:

The Regional Director of the center has overall responsibility for fostering and maintaining cooperative relationship among the counties of his area for the purpose of providing effective public library service to all residents of his library region.

In his relationship with county library boards, the Regional Director functions primarily as an advisor concerning all library operations and services. He has the responsibility to inform the boards about the most recent developments in library services and operations, and of state and national standards governing these services. He attends all library board meetings in the counties of his region.

The responsibilities of the Regional Director in relation to county libraries and librarians necessarily vary widely from county to county. In a few areas the Regional Director will perform such tasks as: weeding the local book collection; conducting an inventory of local library materials and equipment; devising and implementing a simple circulation system. Generally, however, the Regional Director functions as a consultant for the county librarian rather than actually performing the latter's tasks. He will advise and assist the local librarians in the administration of the local library, including selection and preparation of books, organization of routines, and keeping of records. Not the least important of his responsibilities is the task of conducting an in-service training program for all county librarians. An effective in-service training program includes both regularly planned group workshops for all county librarians and personalized, on-the-job training for each individual county librarian.

The Regional Director shares with the county library board and the county librarian the responsibility of interpreting and publicizing the library program and its needs to the local mass communication media, to local governing officials, and to local citizens.

Bookmobile Service:

The Regional Director, the county library board and the county librarian cooperate in the administration of bookmobile service.

Responsibility of the Community:

1. Select the location of the bookmobile station and provide for its care by a custodian.

Responsibility of the County Library Board:

1. In establishing a new bookmobile station, the following points should be considered by the county library board and the regional librarian:

   a. Evidence of interest in the community.
   b. Population of community.
   c. Proximity of deposit to other points of service.
   d. Suitable quarters within community.

2. Operation of bookmobile station:

   a. Publicity.
   b. Periodic visits by county trustees to bookmobile stations.
   c. Consideration of circulation statistics, per cent of losses, and care of books to retain deposit.
   d. Contact by board with local citizens for continued interest.
   e. Personal letter of appreciation to custodian from board.
   f. Relocation whenever necessary.

3. Discontinuance:

   a. Investigate reasons for poor station and try to remedy.
   b. After consulting key people in the community, if situation cannot be rectified, board should vote to discontinue station until evidence is given of sincere interest.
   c. Board sends a letter of explanation and appreciation to the custodian.

Responsibility of the Regional Library Center:

1. Establishment of station:

   a. Schedule of visits.
   b. Promote good public relations with custodian, explain procedures and clarify his responsibilities.
   c. Encourage local persons to visit the bookmobile to aid in selecting books for the station.
   d. Explain services, i.e. request privileges, etc., to as many patrons as possible.
   e. See that the collection of books left at the station includes fiction and non-fiction for varied interests at all age levels.

2. Operation:

   a. Work with and through local organizations to promote reading.
   b. Furnish program materials.
   c. Publicize by means of:
      (1) Fair booths
      (2) Exhibits
      (3) Newspapers
      (4) Radio announcements
   d. Check usage to determine local reading interest.
   e. Be alert for opportunities to familiarize patrons with types of books available.
   f. Establish reputation for friendliness, interest in and cooperation with local citizens.
   g. Realize that the bookmobile staff is the main public relations contact for the service.

3. Discontinuance:

   a. Close bookmobile station when notified by local board to do so.
   b. Make a tactful explanation to the custodian.
   c. Arrange with local people for return of books out in circulation.
   d. Return periodically to check on:
      (1) Missing books
      (2) Possible renewal of interest

Responsibility for Books in Bookmobile Stations

Custodians shall not be held responsible for books lost or damaged while in a deposit; however, reasonable care should be taken by the custodian to prevent accidents and borrowers should be held responsible whenever possible. If undue carelessness continues, the deposit should be withdrawn. Custodians should provide a clean and easily available location for the books. They should be responsible for keeping the books dusted and neatly arranged and the shelves clean.

Requirements for counties to participate in the regional program:

Counties make annual application to participate in the regional program and thereby agree to fulfill certain obligations which will help insure steady improvement in local library service. Each county must meet the following qualifications:

1) Appointment of a county library board of seven members as provided in the Tennessee Code Annotated, Chapter 10-301.

2) Provision of local funds from public appropriation or tax levy for the administration of a local library or libraries, giving free public library service to all residents of the county. These funds shall be administered by the library board responsible for county-wide public library service.

3) Operation of a local library or libraries, including:

   a) Qualified personnel in charge of library.
   b) Suitable library quarters.
   c) County-wide service, free of charge, to all residents.
   d) Adequate system of records and reports.
   e) Cooperation with regional library staff.
   f) Willingness to make locally-owned books available on interlibrary loan to other libraries and bookmobile stations in the region.
   g) Participation by the local librarian or librarians in such in-service training programs as may be offered by the regional library center.

THE LIBRARY BOARD OF TRUSTEES

Tennessee state law provides that public and regional libraries be governed by boards of trustees made up of interested citizens representing a cross section of the community and dedicated to library development. A variety of occupations and interests, all races and age groups, and different geographic sections of the political unit served should be represented in a board's membership.

As time goes by, each library board as an entity develops certain characteristics and attitudes. The good library board is or becomes efficient, progressive, courageous, and cooperative. It establishes and keeps up-to-date its own bylaws, library policies, library use rules, and staff handbook. In meetings, it conducts the necessary business of the library in accordance with the procedures it has set up. Routine matters are handled expeditiously, making time for discussion and study of long-range goals and planning for expanded services to accomodate growing and changing community needs. The good board has the flexibility required to recognize new forces in the community that may be creating new and different needs and is prepared to handle these needs as they arise. The good board never allows its membership to become a clique or permits one person's ideas to dominate the thinking and action of the board.

The Library Trustee: Appointment to a library board constitutes a public trust. A lay citizen with sound business judgment, fairness of mind, and civic interest is a desirable board member. Public library trustees are selected for such personal traits as open-mindedness, enterprise, courage, honesty, a sense of humor, a belief in the value of reading, the vision and willingness to experiment with new ideas, and the ability to view problems objectively.

The good trustee takes his assignment seriously. He recognizes that the success of any cooperative project depends on the willingness of each individual to share and accept responsibilities. He contributes his special talents and skills as needed and respects the contributions made by others. Before accepting appointment to a library board, he determines that he can devote the necessary time to attend meetings, participate in workshops and conferences, and study available materials on library development.

The effective trustee has a deep interest in his library system and its welfare. He is aware of the needs and interests of his community; studies library standards and trends to learn how libraries can fit into the community service pattern; and works cooperatively with other members of the board, as well as with other trustees in state and national associations, for the improvement of all libraries.

Duties and Responsibilities of the Library Board of Trustees: Since a public library belongs to its entire community, library boards have been created by law to act as citizen control or governing body of the library. Library trustees accordingly are public officials and servants of the public; and the powers delegated to library boards are a public trust.

Duties and responsibilities inherent in this public trust may be loosely classified as being of two kinds: the legal responsibilities specifically enjoined upon the board by statute, and the practical responsibilities dealing with day-to-day operation of the library.

The statutory board powers, such as handling of real estate and control of the library's finances, are clearly defined in the state and municipal laws affecting libraries. Statutory responsibilities of a library board are binding and trustees must accept and abide by them. The board's multiple responsibilities covering the actual operation of the library bear directly upon every aspect of its program.

Trustees must budget for the needs of the library and secure funds to support the needs:

1) Before the appropriation is requested an adequate budget should be prepared, approved by the board, and justified in a narrative form.

2) The request for the appropriation, with a copy of the budget attached, should be submitted to the finance committee of the governing body for consideration.

3) A committee should attend the meeting of the county court or city council to present the appropriation and to make an annual report of the library's activities.

Trustees should be familiar with the tax rate and total assessed value of property in the county or city. The board has the dual responsibility of obtaining adequate funds to supply the best possible service, and of spending those funds for the greatest benefit to the total community.

The traditional role of the trustee has always included interpretation of the library to the community, and of the community to the library. In today's society, a public relations program includes talking with and listening to the less educated as well as the highly educated, the poor as well as the financially secure, the rebellious as well as the stable. In the development of plans and services, the trustees of the modern library need to obtain the suggestions and advice of all segments of the community in order to know their requirements. Active membership in local civic and historical organizations is helpful to trustees in becoming acquainted with the leaders of the community and in acquiring more knowledge concerning the region. Contacts with local churches, business firms, and educational institutions, may also be helpful in working with community leaders and promoting good public relations.

The board of trustees is the legislative or policy-determining body for the library. It formulates the program of service with the advice and help of the librarian and supplies the means for carrying it out.

Functions of library board and administrative librarian should be clearly differentiated. The library board functions primarily in formulation of policies concerning: (1) philosophy, scope and emphasis of the service in the particular library and the use of all facilities, including the meeting rooms; (2) personnel practices and conditions of work of the staff; and (3) selection of books and other library materials.

The library board appoints the librarian, who, as technical authority, is their executive officer with full responsibility for services, book selection and personnel.

A clear cut definition of the duties of each is shown in this chart:

Duties and Responsibilities

Of the Library Board	Of the Librarian
1. Employ a competent and qualified librarian.	1. Act as technical advisor to the board; recommend needed policies for board action; recommend employment of all personnel and supervise their work.
2. Determine and adopt written policies to govern the operation and program of the library.	2. Carry out the policies of the library as adopted by the board.
3. Determine the purposes of the library and secure adequate funds to carry on the library's program.	3. Suggest and carry out plans for extending the library's services.
4. Know the program and needs of the library in relation to the community; keep abreast of standards and library trends; plan and carry out the library program.	4. Prepare regular reports embodying the library's current progress and future needs; cooperate with the board to plan and carry out the library program.
5. Establish, support, and participate in a planned public relations program.	5. Maintain an active program of public relations.

Duties and Responsibilities
(continued)

Of the Library Board	Of the Librarian
6. Assist in the preparation of the annual budget.	6. Prepare an annual budget for the library in consultation with the board and give a current report of expenditures against the budget at each meeting.
7. Know local and state laws; actively support library legislation in the state and nation.	7. Know local and state laws; actively support library legislation in the state and nation.
8. Establish among the library policies those dealing with book and material selection.	8. Select and order all books and other library materials.
9. Attend all board meetings and see that accurate records are kept on file at the library.	9. Attend all board meetings other than those in which his own salary or tenure are under discussion; may serve as secretary of the board.
10. Attend regional, state, and national trustee meetings and workshops, and affiliate with the appropriate professional organizations.	10. Affiliate with the state and national professional organizations and attend professional meetings and workshops.
11. Be aware of the services of the State Library.	11. Make use of the services and consultants of the State Library.
12. Report regularly to the governing officials and the general public.	12. Report regularly to the library board, to the officials of local government, and to the general public.

<u>Trustees and Library Staff share the Responsibility of</u>:

1) Ensuring and preserving freedom of access to knowledge.
2) Transforming the needs and interests of the community into quality library service.
3) Establishing, revising and maintaining sound library policies and procedures.
4) Interpreting the library to the public and creating good public relations.
5) Formulating both long range and short range goals for the future, based on a clear understanding of the purposes of library service.

Golden Rules for Board Members: The "Golden Rules" are reprinted from Library Management Handbook for Board Members by Zelia J. French.

1) Leave the actual management of the library to your librarian. It is his responsibility to select the books, employ the assistant, see that the library is unlocked in the morning and closed at night, and he can do it without your arrival every day to oversee his work. If you do not have that much confidence in your librarian, get another one immediately.

2) After a policy or rule is adopted by majority vote of the library board do not criticize or re-voice your opposition either privately or publicly.

3) Be very careful to keep confidential information confidential and do not give out information regarding future board action or plans until such action is taken.

4) Treat the staff members and the librarian in a completely impersonal fashion. Under no circumstances listen to grievances of staff members or treat individual problems on your own. The librarian is in charge of the staff and has administrative control up to the point that a grievance is presented to the library board as a whole.

5) Save yourself embarrassment and all kinds of complications by never, under any circumstance, hiring a relative in any capacity as a library employee.

6) Orders to the librarian or staff members through the librarian must always emanate from at least a quorum of the board at a regular meeting. Even the president must abide by this rule.

7) Except when considering the librarian's salary, do not hold board meetings without the librarian. If, face to face, the problems of policy making and administration cannot be ironed out, get a new librarian.

8) Complaints from the public are first the responsibility of the librarian and failing solution there, should be taken up at a meeting of the entire board. Certainly if complaints come to the attention of the board regularly with no attempt at solution by the librarian some time should be given to a survey of the administration to see why there are so many indications of dissatisfaction.

9) Carry your full share of responsibility as a board member so that one or two members do not have to do all the work, taking all the praise or blame. If you cannot attend meetings regularly and face the exigencies of board membership, resign so that an active member can be appointed.

10) The librarian should be the only person authorized to give orders to book salesmen, dealers, etc. Refer these persons to him in every case.

11) It is a library board prerogative to spend money, not save it. Simply hanging on to the purse strings and yelling economy which restricts the library's functions is a degrading role for any board member to play. It is necessary to realize that these are public, not personal, funds, and they must be spent for the efficient operation of the library along the lines prescribed by board policies and the administrative needs of the librarian. Furthermore, the acquiring of additional funds and an adequate budget is your definite obligation as a board member.

Trustee Education: The operation of a library capable of meeting changing needs and methods of service carries many trustees into unfamiliar territory. The strength of the board is that it is composed of laymen who bring a fresh perspective to the professional concerns of librarian and staff, functioning as interpreters of community to library and library to community. But in order to fulfill such a demanding role, the trustee must educate himself to understand the library, just as the members of his constituency in the community expect him to understand their needs.

In order to insure that the trustees are well informed it is necessary to have a good orientation program for new trustees when they are first appointed. The first step should be an informal presentation or planned discussion at the first board meeting following the appointment of new trustees. The chairman of the board should work with the librarian to plan and prepare this first orientation program so that it will be as complete as possible. Detailed information concerning the library and the region should be made available in printed form, including copies of the library budget, annual report, rules and regulations, library laws, bylaws, policy statements, etc. A workshop may be held to provide a more thorough and comprehensive orientation program if desired. Trustees should be given a guided tour of the library and the region to become better acquainted with pertinent details and library personnel. The following reading list contains materials that should answer many questions for the new trustee - or the experienced one.

American Library Association. Public Library Policies - General and Specific. Public Library Reporter, no. 9. Chicago: ALA, 1960.

American Library Association. The Small Public Library: A Series of Guides for the Community Librarian and Trustee. Chicago: ALA Library Administration Division, Small Libraries Project, 1962.

Bowler, Roberta, ed. Local Public Library Administration. Chicago: International City Managers' Association, 1964.

Wheeler, Joseph L. and Herbert Goldhor. Practical Administration of a Public Library. New York: Harper & Row, 1962.

Young, Virginia, ed. The Library Trustee: A Practical Guidebook. New York: R. R. Bowker, 1969.

American Library Association. Minimum Standards for Public Library Systems. ALA Standards Committee and Subcommittees, Public Library Association: Chicago, 1967.

American Library Association. Interim Standards for Small Public Libraries: Guidelines Toward Achieving the Goals of Public Library Service. ALA: Chicago, 1962.

American Library Association. Standard for Library Functions at the State Level. Chicago, ALA, 1970.

Library Associations: Another part of the trustee's education involves his membership and participation in various organizations. He should be an active member of the Tennessee Library Association. Membership in the Southeastern Library Association and the American Library Association is also desirable. Each has a public library section and a trustee section whose programs are of interest to public library trustees. Trustees should be encouraged to attend meetings of these organizations whenever possible, with their expenses paid from regional or local funds.

Tennessee Library Association meets annually and has as its stated objective "to encourage the establishment, maintenance and support of adequate library services for all people of the State and to cooperate with public and private agencies with related interests."

Southeastern Library Association meets biennially and works to accomplish the following objectives: "to promote library interests and services; to cooperate with regional and national agencies with related interests; and to stimulate research in library and related problems in the region." Its area of membership include Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and West Virginia.

American Library Association has as its objective the promotion of library service and librarianship.

Attendance at conferences, institutes and workshops aid trustees in keeping abreast of trends and standards in the library field. Such meetings afford an excellent opportunity for conversation and sharing of ideas among trustees with similar interests. The formal program of a workshop is only a part of the benefits gained from attendance; solutions to problems and new ideas for activities sometimes come from personal contacts with other trustees and librarians.

Standards for Public Libraries: Guidelines and standards assist the trustee in evaluating the program of his public library and measuring its effectiveness. The trustee has four responsibilities in connection with library standards: He should know what they are; he should apply them to his own library; he should determine what needs to be done; and he should inform the public and governing agencies of the needs.

Friends of the Library: Friends are those civic minded men and women - the businessman, educator, housewife, scientist, student, minister, mechanic - who know that any community is a better place in which to live if that community has first rate libraries. These Friends organize into groups to bring together fellow citizens who are willing to work for excellent libraries and who will speak up for library service whenever and wherever their efforts are needed.

Enlisting the help of a large auxiliary group of friendly men and women has had notable results in spreading public knowledge of the library, enlisting support and getting funds. A Friends of the Library group which is organized to act in cooperation with the librarian and trustees serves as liaison between the community and the trustees and library staff. Purposes of such a group may be:

1) To focus public attention on the library.
2) To stimulate the use of library resources and services.
3) To lend legislative support where needed.
4) To support freedom to read.

Information on the organization of a Friends group may be obtained from Library Administration Division, American Library Association.

LIBRARY STAFF

The most important element in adequate library service is qualified library staff. A carefully selected, adequately paid, competent, and enthusiastic staff is essential to bring together the individual and the material he needs.

Some factors on which to base the choice of staff members are:

1) General education and professional training.
2) Previous library experience.
3) Character and personality.

Desirable personal characteristics include: intelligence, dependability, tact, stability, efficiency, patience, pleasant disposition, and imagination. A potential library employee should

- have a knowledge of and liking for people and books.
- have a sense of the library's purpose and mission in the community.
- have an understanding of and sensitivity to people and their needs.
- have the ability to work with other people.
- have the ability to improve performance on the job.
- be able to take direction and criticism.
- be resourceful.
- have good health.
- have a sense of humor.
- be well-groomed.
- be endowed with "common sense."

Selecting a head librarian is the most important duty of a library board. In employing a librarian, the board should:

a) Decide on a minimum and maximum salary for the position, based on experience and training of the applicant.

b) Use such sources of personnel information as advertisements in professional magazines, library school placement offices and the State Library.

c) Check references given by applicants.

d) Answer all letters of application indicating whether the applicant will be considered for a vacancy.

e) Arrange for personal interviews, scheduling separate dates for all interviews.

f) Inform all applicants under consideration when the appointment has been made and the vacancy has been filled.

The Librarian:

a) Should have the capacity for being a leader in the educational, cultural and civic life of the community.

b) Should have a wide knowledge of books and a sympathetic understanding of people.

c) Should be aware of the library's importance as an educational institution.

d) Should be a person who keeps up with changing conditions and new methods.

The librarian should have the ability and necessary experience:

To perform the following administrative duties:

a) Work under the directives and approval of the library board on plans for the library's progress and development.

b) Prepare a sound library budget and explain and justify it to the board.

c) Keep the necessary records, compile and report statistics and other information for the library board, local government, and state library extension agency.

d) Supervise and direct the library staff and encourage staff members to improve their job performances.

e) Develop and administer policies relating to personnel, book selection, etc.

f) Act as the library's public relations representative in the community.

g) Maintain close contacts with government officials.

h) Conduct surveys and studies to determine the socio-economic, educational, cultural and demographic factors involved in planning for library development.

i) Exercise leadership in the further development and improvement of library service in the community, the general area, the state, and the nation.

To build and improve the library's collection of material by:

a) Wise selection of materials for the library in terms of community needs.

b) Awareness of the various tools and aids which evaluate or help to evaluate books and materials, and knowledge of how to use them to the best advantage.

c) Organizing library materials efficiently.

To help the public find what it wants and needs among the library's materials by:

a) Having a wide knowledge of books and other library materials and how to judge their quality and usefulness to people.

b) Having a sympathetic knowledge of people, their reading interests, and their needs.

c) If working with a special group (adults, young people, or children), having specialized knowledge of both the people and the kinds of books appropriate to their interests.

d) Knowing where to locate many different types of specific information.

e) Knowing how to go beyond his own library in search of information or materials.

To continuously develop his own library background by:

a) Taking library courses.

b) Attending library workshops, institutes, meetings, and conventions.

c) Reading library periodicals and books on librarianship.

d) Reading generally to keep up to date with all kinds of books.

e) Cultivating a general intellectual curiosity.

LIBRARY SERVICES

The goal for public libraries of Tennessee is to provide adequate public library resources and services within a reasonable distance of the residence of every citizen of the state. Informational, educational, reference, research and recreational needs of the locality should be met.

Local Libraries: The community library stands as the first and most convenient resource for all readers. Within relatively easy reach of all, it provides standard reference materials, a variety of standard and current materials for all age groups, magazines, and local newspapers. Non-book materials such as art prints, records, cassettes, films should be in the local collection. Films, if not locally held, should be available on request from other sources.

The good library is an integral part of its community with resources and services geared to the needs and interests of people. It works with various agencies to coordinate and strengthen the community-wide cultural, social and intellectual efforts.

Its services for organizations and institutions, include assistance in program-planning, counseling on resources, assembling books and films for displays and compiling booklists for meetings.

A program of library-sponsored group activities may feature story hours, book discussions, film showings and film forums, lectures and others. Such programs are usually closely allied with books and reading so as to open new vistas in books and encourage individual reading.

The good library is an active institution which constantly searches for ways to encourage use of the library by the non-user. It has a lively program designed to bring its materials and services to the attention of all the people of the community. Displays and exhibits are provided not only in the library, but wherever people gather. All the resources of the local newspapers and radio and TV stations are employed. Clubs and organizations, churches, and schools become channels of communication through which the library makes announcements, extends invitations, and in turn gets information on people's needs and ideas for meeting them. Where good library service exists, no planning committee for a community celebration or a campaign for community betterment is complete without representatives from the library.

In the good library, selection of library materials is a regular, orderly process; materials are made available for use promptly; and the library collection is kept in attractive physical condition.

Area Resource Centers: To serve the need for improved reference service outside the metropolitan areas of the state, Area Resource Centers (ARC) have been established in the four metropolitan libraries of Nashville, Memphis, Knoxville, and Chattanooga by agreement with the Tennessee State Library and Archives. These four ARC's provide information, reference, bibliographic and interlibrary loan service as follows:

Memphis - to libraries in the 20 counties served by: Forked Deer Region, Reelfoot Region, and Shiloh Region

Nashville - to libraries in the 26 counties served by: Blue Grass Region, Highland Rim Region, and Warioto Region

Chattanooga - to libraries in the 24 counties served by: Caney Fork Region, Fort Loudoun Region, and Upper Cumberland Region

Knoxville - to libraries in the 19 counties served by: Clinch-Powell Region, Nolichucky Region, and Watauga Region

Libraries in these ninety-one counties are offered the following services from ARC:

1) Answers to reference questions.
2) Books not available locally.
3) Photocopies of needed materials.

Local libraries may call their Area Resource Center direct and without charge on In-WATS telephone lines. The request may be for a specific book; for books on a particular subject; or for magazine articles unavailable locally. The request may also be for bibliographic verification of books and other items or for answers to reference and information requests.

TWX circuits interconnect the Area Resource Centers with each other, and with other large libraries within and outside the state. The Area Resource Center and rapid communication network of In-WATS and TWX are not designed to supplant the services of local and regional libraries, but rather to aid those that need assistance and to insure better utilization of the resources of all libraries across the state.

Interlibrary Cooperation: Interlibrary cooperation makes it possible for the total library resources of the community, state and nation to be available to every individual. Library trustees have a vital role to play in developing policies that will make such cooperation possible. This means not only in establishing regional library systems and various reciprocal services among public libraries, but working out cooperative arrangements among all types of libraries as well.

SAMPLE BY-LAWS

I - MEETINGS

The regular quarterly meetings of the board of trustees of _____ Library shall be held on the _____ day of each month, at _____ AM/PM at the library or at such other place as may be designated by the board. The annual meeting shall be held on _____ at the time and place to be designated.

Special meetings may be called by the chairman or upon written request of the majority of the members. Written notice stating the time and place of any special meeting and the purposes for which called shall, unless waived, be given each member of the board at least two days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such meeting.

II - OFFICERS

Officers of the board shall be elected at the annual meeting of the board. The board shall elect a Chairman and may elect a Vice-chairman, Secretary and Treasurer.

The Chairman shall preside at all board meetings, appoint all committees, authorize calls for special meetings and shall, certify all bills approved by the board, and generally perform the duties of a presiding officer. In the absence of the Chairman, the Vice-chairman shall serve as temporary Chairman.

The Secretary shall keep a true and accurate account of all proceedings of the board meetings; shall issue notices of all board meetings; shall have custody of the minutes and other records of the board and shall be responsible for keeping these records on permanent file at the library; and shall notify the appointing body of any vacancies on the board.

The Treasurer shall have charge of the library funds and shall pay out the funds on order of the board, signed by the Chairman, he shall keep an accurate record of all monies received and disbursed, and shall report at each meeting on the state of funds.

III - COMMITTEES

Special committees for the study and investigation of special problems may be appointed by the Chairman, with the approval of the board, to serve until the completion of the work for which they were appointed.

IV - QUORUM

A quorum for the transaction of business shall consist of a majority of the members of the board.

SAMPLE BY-LAWS
(continued)

V - LIBRARIAN

The Librarian shall have charge of the administration of the library and its services, under the direction and review of the board. The librarian is responsible for the care of the buildings and equipment, for the direction of the staff, for the efficiency of the library's service to the public, and for the operation of the library under the financial conditions set forth in the annual budget. The librarian should attend all board meetings except those in which his performance, tenure, or salary is being discussed.

VI - ORDER OF BUSINESS

The order of business at regular meetings shall be as follows:

1. Call to order
2. Approval of minutes of last meeting
3. Approval of treasurer's report
4. Approval of librarian's report
5. Report of regional librarian
6. Communications
7. Reports of committees
8. Unfinished business
9. New business
10. Adjournment

VII - NEW MEMBERS

New Members. The board shall recommend to the appointing body new members to fill vacancies on the board. The board shall not recommend any person to serve more than two terms consecutively.

VIII - AMENDMENTS

These by-laws may be amended at any regular meeting of the board with a quorum present, by the majority vote of the members present; provided written notice of the proposed amendment shall be mailed at least ten days prior to the meeting at which such amendment is to be voted upon.

POLICIES OF THE LIBRARY BOARD

Every library, regardless of its size, needs written policy statements. Once they are adopted, they become a base from which rules, regulations and procedures can be fashioned.

Before adopting or revising written policies, the library board should give careful study to the following: ALA "Public Library Policies - general and specific". 1960.

Topics covered by policy statements should include:

1. Days and hours of opening.
2. Powers and duties of the librarian.
3. Powers and duties of other employees.
4. Qualifications for each position. This includes education, training, interest in further training, retirement age, etc.
5. Salary schedule for employees, including temporary substitutes.
6. Special use of buildings.
7. Services to special groups.
8. Rules for use of the library.
9. Leave of absence for employees.
10. Holidays, vacation, sick leave and retirement for employees.
11. Reports required of employees.
12. Payment of expenses for library personnel or board members to attend meetings.
13. Acceptance of gift books and memorials.
14. Book selection.

LIBRARY BILL OF RIGHTS

The Council of the American Library Association reaffirms its belief in the following basic policies which should govern the services of all libraries.

I. As a responsibility of library service, books and other library materials selected should be chosen for values of interest, information, and enlightenment of all people of the community. In no case should library materials be excluded because of the race or nationality or the social, political, or religious views of the authors.

II. Libraries should provide books and other materials presenting all points of view concerning the problems and issues of our times; no library materials should be proscribed or removed from libraries because of partisan or doctrinal disapproval.

III. Censorship should be challenged by libraries in the maintenance of their responsibility to provide public information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. The rights of an individual to the use of a library should not be denied or abridged because of his age, race, religion, national origins or social or political views.

VI. As an institution of education for democratic living, the library should welcome the use of its meeting rooms for socially useful and cultural activities and discussion of current public questions. Such meeting places should be available on equal terms to all groups in the community regardless of the beliefs and affiliations of their members, provided that the meetings be open to the public.

FREEDOM TO READ STATEMENT

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those which are unorthodox or unpoplar with the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until his idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept which challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers and librarians do not need to endorse every idea or presentation contained in the books they make available. It would conflict with the public interest for them to establish their own political, moral or aesthetic views as the sole standard for determining what books should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one man can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to determine the acceptability of a book solely on the basis of the personal history or political affiliations of the author.

A book should be judged as a book. No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free men can flourish which draws up lists of writers to whom it will not listen, whatever they may have to say.

4. The present laws dealing with obscenity should be vigorously enforced. Beyond that, there is no place in our society for extralegal efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern literature is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent serious artists from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters taste differs, and taste cannot be legislated; nor can machinery be devised which will suit the demands of one group without limiting the freedom of others. We deplore the catering to the immature, the retarded or the maladjusted taste. But those concerned with freedom have the responsibility of seeing to it that each individual book or publication, whatever its contents, price or method of distribution, is dealt with in accordance with due process of law.

5. It is not in the public interest to force a reader to accept with any book the prejudgment of a label characterizing the book or author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that each individual must be directed in making up his mind about the ideas he examines. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society each individual is free to determine for himself what he wishes to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and inoffensive.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality of thought and expression. By the exercise of this affirmative responsibility, bookmen can demonstrate that the answer to a bad book is a good one, the answer to a bad idea is a good one.

The freedom to read is of little consequence when expended on the trivial; it is frustrated when the reader cannot obtain matter fit for his purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of their freedom and integrity, and the enlargement of their service to society, requires of all bookmen the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of books. We do so because we believe that they are good, possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.